

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Confirmation No.: 4398
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Michael William URBANSKI, et al.	:	Attorney Ref.: 085-0001
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Serial No.: 09/714,665	:	Art Unit: 3688
	:	
Filed: November 17, 2000	:	Examiner: Donald CHAMPAGNE
	:	
For: METHOD, SYSTEM, AND SOFTWARE FOR GEOGRAPHICALLY FOCUSED NETWORK ADVERTISING		

DECLARATION UNDER 37 C.F.R. §1.132

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Michael William Urbanski, a legal citizen and resident of the United States, hereby declare and state:

1. I am a CHIEF EXECUTVE OFFICER for Heavy Hammer, Inc. in Annapolis, Maryland. ("Heavy Hammer").
2. I am a named inventor in the above-identified patent application.
3. I make the following statements in support of U.S. Patent Application No. 09/714,665 (the '665 application):

Summary: I have developed and currently operate several web sites based on the invention claimed in the '665 application. In particular, the web sites operate on a network such that an information request is received at one of my sites from a communications device connected through the network. The information request relates to a particular subject matter. A particular geographic area for relevant information is determined so it may be provided in

answering the information request. The particular geographic area for relevant information is determined from at least one of the communication device's derived geographic location, the communication device's location stored in memory, the communication device's network address, the information request, the subject matter of interest, or an input to the communication device. The input to the communication device is at least one of a selection on a displayed map, input of a postal code, or input of address information. Answer information is retrieved from one or more databases. The answer information includes information responsive to the information request and advertiser information. The advertiser information is based on the determined particular geographic area for relevant information and contains a link to connect the communication device to the advertiser's information site relating to the particular subject matter. Finally, answer information is provided from my site to the communication device.

As set forth below and to the best of my knowledge, this form of geographically-based advertising on the Internet was not known before the conception and reduction to practice of my invention of my invention or the filing of my Provisional Application (Serial No. 60/165,943) on November 17, 1999. I assert that this invention has been implemented as we have claimed and this has led directly to substantial commercial success and has solved a long-felt need by allowing local businesses to advertise to individuals in their geographic area of operation over the Internet. In fact, this claimed invention as implemented on the Internet has produced to the best of my knowledge approximately \$36,719,969 since 1999.

In further support of the commercial success of my invention and that it solved a long-felt need, I provide the following information below:

History, Development and Success of My Invention: In 1998, I was a licensed real estate agent in the State of Maryland. My focus as a real estate agent was the foreclosure market and by all rights, I was very successful in the business.

After a trip to a mall, I determined that upscale jewelry was an untapped online Internet segment. Using my real estate commissions, I set out to build an upscale jewelry website. I hired two programmers to build the site based on my concept which I named GemAdventure.com.

GemAdventure.com proved problematic from the beginning for a couple of different reasons. One reason was that in order to close a sale online the website needed a lot of traffic and secondly driving traffic to the site was ridiculously expensive.

At that time CPM (cost per thousand impressions) was the accepted advertising model and “Branding” was what was sold. There was no low-cost, highly-targeted, geographically-based advertising business model at that time. The CPM advertising model required the advertiser to sign a long term contract and pay portals, such as Yahoo, AltaVista and others for every thousand times the advertiser’s banner was loaded onto a page-viewer’s computer. To make matters worse, the portal would stack one banner on top of another until the entire page was filled with untargeted, competing banners splashed across the entire page. This further reduced the possibility that a page-viewer would actually click on a banner. Furthermore, there were no guarantees that an advertiser’s banner would show up above the fold which meant that even though the advertiser’s banner was loaded onto the page, the page-viewer may never see the advertisement.

Out of this, I developed a new concept which concerned building a real estate website using my knowledge of foreclosures. I had my programmers build MDHUD.com that weekend

with all of the government-owned homes on it and I placed my GemAdventure.com banner on each and every page of the web site. Then, I added the URL, www.MDHUD.com, to all of my print advertisements in the hopes of driving Internet traffic to GemAdventure.com.

MDHUD.com was a raging success from the consumers' standpoint. My real estate lead generated per print advertisement dollar more than doubled. Unknown to me, real estate agents across the State of Maryland started to refer their homebuyers to MDHUD.com and I began to generate leads in counties that were nowhere near my home or office. This success taught me two things: First, was that MDHUD.com could generate home buyer business from wherever in the state the Internet traffic came from; and secondly, that I was getting sales from every corner of the State of Maryland as people were ask me to sell them houses that they found on MDHUD.com and my contact information was the only one offered on the site. It was on one of these long drives, to a distant county, that I decided that if the site worked so well for me, it should work just as well for other agents in their own particular geographic areas.

But I had been in the real estate business for some time now and I never liked the referral business which relied on the honesty of the person receiving the referral and their ability to follow up with the client that was referred. The amount of inherent distrust did not appeal to me and the referral business model was in high gear at the time. I was familiar with other existing business models in real estate as well. The lead selling business model and the subscription based business model were in use but, none of these were open platforms where everyone knew what they were getting or who would be receiving the leads generated. I worked out the math and to refer leads and ask for a fee, or to sell leads, would both require a large infrastructure just to track the transactions.

Thus, my new inventive concept of creating a web site that receives a request for information, and provides an answer to the request on the website along with presenting a business' advertising information in the user's particular geographic area of interest, was born. In addition, I discovered that no one had done it before and contacted a patent attorney to patent the idea in conjunction with building the website.

I figured there were thousands of small and medium sized businesspeople just like me in many different industries, all struggling with the same problem regarding how to make the Internet work for them. As a small business owner for several years, I realized that there were no online advertising platforms for small business owners such as myself so I set out to build one to help solve that problem.

I realized that if the real estate agent paid just a small fee to receive the business from that geographic area we could make a profit by having a lot of people paying a small amount of money. We could do this all across the country and then break out into additional professions that are best served when the merchant and the consumer are located in a reasonable local geographic area. I named the new Internet-based technology for geographically-based advertising "MIMIAN" after my daughter, Mimi Ann, since she had been in the inspiration from the beginning.

I was afraid that as soon as someone discovered my new business, it would be stolen by one of the larger players online. So we filed the U.S. Provisional Patent Application discussed above, for the invention so that I could protect myself from the larger companies of the online community that would surely see the value and the commercial opportunity. We then launched USHUD.com. Surprisingly, it took several years before any of the large online companies saw the value of this new geographically-based advertising model.

At first, it was difficult to communicate that using our system, "MIMIAN," the advertisers would only get buyers from the geographic areas in which the advertiser actually sold his or her goods and/or services. The concept was so foreign to the potential advertisers that few understood it was possible. In other words, no one understood what I was offering because no one had ever done it before!!

Not very long after its inception, several people agreed to pay for the geographically-based advertising and USHUD.com lived on. It wasn't long before I could hire another salesperson and before long the 800 square foot office had 12 people sharing desks and all sharing one communal bathroom. I hired a graphic designer and we shared my small office.

From the outset, we wanted to introduce geographically-based advertising to the thousands of small-to-medium-sized businesses that until this point had not been able to use the Internet effectively to promote their businesses. For example, doctors felt that they could not look at a child's knee using the Internet, plumbers felt that they could not fix a toilet over the Internet, a local restaurant felt that they could not serve a steak over the Internet, and so on, so many business owners were not comfortable with the concept that the Internet could help their business. This is where we felt our "MIMIAN" technology could bridge gaps and allow the Internet to work for these and other types of local businesses.

As the acceptance of geographically-based advertising for real estate agents grew, using USHUD.com as the initial launch platform, we launched another web site for the financial industry. We accomplished this by adding geographically-specific banking and financial service providers as advertisers on USHUD.com alongside the real estate agents in the spring of 2000. On December 13th of that year I was finally able to quit selling real estate, and focus completely on further developing the concept of geographically-based advertising. On or about the spring of

2001, credit repair specialists, insurance providers and loss mitigation firms were also added to the slew of advertisers that were advertising on the site.

In 2001, I was contacted by Ebay.com and Monster.com. Both companies wanted to know how we had accomplished geographically-based advertising and inquired about licensing our technology.

In 2002, we moved to a larger space and eventually built our staff up to 75 full time employees. At that time and to the best of my knowledge, we enjoyed 100% of the geographically-based advertising market and there were no other companies following our lead.

The next phase of our plan was to build several different teams (pods) with each team responsible for a separate website which would serve a particular industry. Each website would provide a needed marketing platform for a previously un-served industry that was in need of the ability to advertise online without the waste or expense of a national campaign. Our technology would allow everyone from plumbers to doctors to focus their marketing dollars only in the geographic areas that they serve.

We reasoned that additional industries would most likely require their own specific site. Each site would require its own design, valuable free local content, sales force and marketing budget in order for it to be successful. Which industry would be next would be determined by a number of different variables including, but not limited to, the complexity of content creation, local advertising laws and market acceptance. We systematically made a selection from the many possible industries that were not able to effectively provide their products or services online. Our internal list of potential websites ranged from lifestyle and travel, dining and entertainment, healthcare, legal services, automotive sales and servicing and many others.

We ultimately narrowed our focus to just two and started the discovery phase of both healthcare and the legal profession simultaneously until we could determine which would be the most feasible. To this end we approached DrKoop.com in the efforts of co-branding their existing content. DrKoop.com was open to co-branding their content and we began negotiations with them in the fall of 2001.

Eventually we discovered that the DrKoop.com was running an extremely high negative cash flow so the relationship moved toward our complete takeover of all of DrKoop.com's advertising. We made a variety of test sales calls to determine if local medical professionals would be receptive to our advertising offer and received very favorable feedback. From this we were able to provide Dr.Koop.com a guarantee of 3 million dollars in annual advertising revenue and we went directly to contract negotiations to take over all of their marketing and advertising. Our attorney drafted the contract which reflected all of the points both parties had agreed upon. We purchased the URL www.TheSurgeonGeneral.com in anticipation of the contract being completed. The contract was delivered to DrKoop.com in early December of 2001 and we waited for their signed copy to be returned. DrKoop.com filed for bankruptcy without notifying our office. Thus, the legal profession would be the focus of our next website by default as we determined that there was less liability in providing free legal contracts than free medical advice.

The URL www.PrimaryLaw.com had been purchased in 2001. The plan was to use our existing sales force to offer legal professionals advertising space on the existing platform of USHUD.com while building out what was to become PrimaryLaw.com. Therefore, cross pollinating PrimaryLaw.com with legal firms that had already seen the value of geographic advertising. Once momentum was created, we would split off a special sales team to tackle the new market.

PrimaryLaw.com was officially launched in early 2002. It offered free legal contracts and legal information to the general public which was specific to the geographic area of the user. Laws and legal contracts differ from state to state, county to county, city-to-city and therefore, a perfect fit for geographically-based advertising. Not knowing which legal category would be the most receptive to our offer, we built out as many as possible before launch and then experimented to determine which would be most viable. Bankruptcy law was found to be the most open to the concept of generating business online and we quickly had hundreds of lawyers as clients on PrimaryLaw.com.

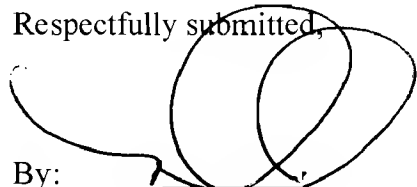
Later in 2002 we began negotiations with a nightclub owner in Dallas Texas to finance a lifestyle and entertainment website using our geographically-based advertising model. We started developing the concept and acquired the URL www.CafeSoul.com. CafeSoul would be an online entertainment and lifestyle guide with free information on local sporting events, concerts and articles from the lifestyle sections of local newspapers and magazines. Along with the local content, local small businesses such as bars and restaurants, nightclubs and movie theaters could advertise to only the market they serve without waste.

In summary, before my invention and launch of USHUD.com and my other web sites, there was a long felt need for a cost-effective and profitable way for local businesses to advertise to consumers over the Internet in their particular geographic area. My claimed invention solved that problem. In addition, USHUD.com and my other web sites which embody the claimed invention have been commercially successful to the point of producing to the best of my knowledge, over \$36 million dollars in gross revenue.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

By:


Michael William URBANSKI

Date: August 19, 2010